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CHECKPOINT TECHNOLOGIES, LLC
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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 DCG SYSTEMS, INC.,

15 Plaintiff,

16 v.

17 CHECKPOINT TECHNOLOGIES, LLC,

18 Defendant.
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CASE NO. CV 11 3792 PSG

STIPULATION AND ORDER |XXXXXXXXXXXXX

Pursuant to Civil Local Rules 6-2, 7-12, and 16-2(e), this Stipulation for Defendant Checkpoint Technologies, LLC, to continue the Case Management Conference (the “Stipulation”) is made by and between Defendant Checkpoint Technologies, LLC (“Checkpoint”), and Plaintiff DCG Systems, Inc. (“DCG”). The purpose of continuing the CMC is to allow the parties an opportunity to meet and confer between the time Checkpoint’s answer is filed and the date on which the case management statement is due (see Order Setting Initial Case management Conference And ADR Deadlines filed in the above-captioned matter on August 2, 2011 (“CMC Order”)).

DCG’s Complaint was filed and served on August 2, 2011. Checkpoint’s answer to the Complaint is currently due August 23, 2011 and a Case Management Conference (“CMC”) is scheduled for October 18, 2011. The CMC Order sets forth the following dates and deadlines that flow from the date of the CMC: September 27, 2011 (the last day to meet and confer re initial disclosures, etc.), and October 11, 2011 (the last day to file Rule 26(f) Report, etc).

DCG and Checkpoint’s counsel have agreed, pursuant to a separate stipulation, to extend the deadline by which Checkpoint must file a responsive pleading to the Complaint up to and including October 7, 2011. Should the CMC remain as currently scheduled, the September 27, 2011 deadline requiring the parties to meet and confer regarding: i) initial disclosures; ii) early settlement; iii) ADR process selection; iv) discovery plan; v) file an ADR Certification; and vi) file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference would occur prior to Checkpoint’s filing of a responsive pleading to the Complaint. In order to give counsel for both parties adequate time to prepare for the deadlines that must be met pursuant to the CMC Order, counsel have stipulated to continue the CMC to November 1, 2011, and request that the Court grant this requested continuance pursuant to United States District Court, Northern

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District Local Rule 16-2(e). Counsel for the parties do not anticipate that the continuance of the CMC will have any effect with respect to scheduling other dates and deadlines for the case.

Dated: August 15, 2011

HOPKINS & CARLEY
A Law Corporation

By: /s/ John V. Picone III

John V. Picone III
Attorneys for Defendant
CHECKPOINT TECHNOLOGIES, LLC

Dated: August 15, 2011

O'MELVENY & MYERS LLP

By: /s/ Mark E. Miller

Mark E. Miller
Attorneys for Plaintiff
DCG SYSTEMS, INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

September 14, 2011

Dated: .XXXXXXXXXX __, 2011

Paul S. Grewal

THE HONORABLE MAGISTRATE JUDGE
PAUL S. GREWAL